

ment of the balance due to said fund by the State of Texas, under the Constitution of 1876," action being on the adoption of committee substitute.

Pending action,

Senator Wayland moved that the bill lie on the table subject to call.

Senator Sebastian moved as a substitute that the bill be postponed until after the morning call tomorrow.

Senator Sebastian's motion was agreed to and further consideration of the bill was accordingly postponed.

There being no further business before the Senate adjournment was taken until 10 o'clock tomorrow, on motion of Senator Wayland.

SIXTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 31, 1900.

The Senate met pursuant to adjournment.

President pro tem. Turney in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Greer.	Potter.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Gough.	Ross.
Johnson.	Stone.
Lewis.	Terrell.
Patterson.	

Prayer by the Chaplain, Rev. C. B. Garrett.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Miller:

Petition from J. M. Howell, of Dallas, regarding the special tax upon growing nursery stock.

Read and referred to the Committee on Finance.

By Senator Stafford:

Similar petition from Wm. A. Shackelford, of Omen, Texas.

Read and referred to the Committee on Finance.

By Senator Odell:

Similar petition from C. L. Kidd, of Waxahachie, Texas.

Read and referred to the Committee on Finance.

EXECUTIVE MESSAGE.

Hon. N. A. Cravens, Private Secretary of the Governor, appeared at the bar of the Senate, and after being duly announced, delivered the following message:

To the Senate:

The advice and consent of the Senate is asked to the following appointments:

Associate justices of the Court of Civil Appeals of the First Supreme Judicial District of Texas, W. H. Gill of Anderson county, vice F. A. Williams, resigned, and R. A. Pleasants of DeWitt county, vice H. C. Pleasants, deceased.

Judge of the Sixth Judicial District of Texas, E. S. Chambers of Red River county, vice E. D. McClellan, deceased.

Judge of the Fifty-sixth Judicial District of Texas, E. D. Cavin of Galveston county.

Judge of the Fifty-seventh Judicial District of Texas, S. J. Brooks of Bexar county.

Judge of the Third Judicial District of Texas, A. D. Lipscomb of Houston county, vice W. H. Gill, resigned.

Judge of the Fourteenth Judicial District of Texas, J. J. Eckford of Dallas county, vice W. J. J. Smith, resigned.

Judge of the Criminal District Court of Galveston and Harris counties, A. C. Allen of Harris county, vice E. D. Cavin, resigned.

District Attorney of the First Judicial District of Texas, W. L. Douglass of Jefferson county, vice Martin Dies, resigned.

District Attorney of the Sixth Judicial District of Texas, B. B. Sturgeon of Lamar county, vice A. J. Nichols, deceased.

District Attorney of the Ninth Judicial District of Texas, S. A. McCall of Montgomery county, vice C. L. Carter, resigned.

District Attorney of the Twenty-first Judicial District of Texas, J. B. Buchanan of Washington county, vice W. E. Maynard, resigned.

District Attorney of the Thirty-third Judicial District of Texas, W. E. P. Oatman of Llano county, vice W. C. Linden, resigned.

District Attorney of the Thirty-eighth Judicial District of Texas, J. W. Baker of Medina county, vice John R. Storms, resigned.

Assistant Superintendent of the State Penitentiaries in charge of the House of Correction and Reformatory, L. J. Tankersly of Bell county.

State Purchasing Agent, C. P. Dodge of Bell county, vice Cliff A. Adams, resigned.

Members of the Board of Directors of the Agricultural and Mechanical College, J. W. Kokernot of Bexar county for two years, P. H. Tobin of Grayson county and A. P. Smyth of Limestone county for four years, F. P. Holland of Dallas county and D. A. Paulus of Lavaca county for six years, and F. A. Reichardt of Harris county and Marion Sansom of Johnson county for eight years.

Member Board of Managers of the State Lunatic Asylum at Austin, S. E. Hudson of Travis county, vice T. B. Cochran, resigned.

Member Board of Managers Deaf and Dumb Asylum, George W. Allen of Travis county, vice H. P. Haldeman, resigned.

Pilot Commissioners for the Port of Galveston, John Young, J. M. O. Menard, J. A. Robertson, Robert Bornefeld and Charles Clarke, of Galveston county.

Members of the Board of Managers of the Deaf, Dumb and Blind Asylum for Colored Youths, J. W. Hill, vice T. W. Folts, resigned, and William A. Boswell, vice S. K. Morley, resigned, both of Travis county.

Member Board of Managers of the Confederate Home, W. T. Wroe of Travis county, vice W. H. Caldwell, resigned.

Members of the Board of Regents of the State University, H. M. Garwood of Fayette county, vice T. D. Wooten, resigned, and Henry B. Marsh of Smith county, vice W. L. Prather, resigned.

Members State Board of Dental Examiners, C. C. Weaver of Hill county, and M. S. Merchant of Lee county, and J. H. Grant of Anderson county, vice R. P. Pamill, resigned.

JOSEPH D. SAYERS,
Governor.

EXECUTIVE SESSION ORDERED.

On motion of Senator Linn, the Senate agreed to go into executive session at 11 o'clock tomorrow, for the purpose of attending to executive business.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 30, 1900.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Federal Relations, to whom was referred

Senate resolution, a resolution by Greer,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GREER, Acting Chairman.

Committee Room,
Austin, Texas, January 30, 1900.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 4, being a bill to be entitled "An Act to amend Art. 4824 of the Revised Civil Statutes of Texas, 1895, relating to the salaries of the Superintendents of the Lunatic Asylums, the Superintendent of the Blind Asylum and the Superintendent of the Deaf and Dumb Asylum, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*, with the following amendment: Amend the bill by striking out "four" wherever it occurs in section 1, and insert "three," and by striking out "three" wherever it occurs in said section and insert "two."

DIBRELL, Chairman.

Call concluded.

BILLS AND RESOLUTIONS.

By Senator Sebastian:

Whereas, We have heard with profound regret of the cowardly attempt to assassinate the Hon. Wm. Goebel, Governor-elect of the State of Kentucky; therefore, be it

Resolved, By the Senate of the State of Texas, that we extend to him our most sincere sympathy in his hour of affliction, and our most earnest desire for his speedy recovery, and that the Secretary of the Senate is hereby directed to wire this resolution to him.

By Senator Greer:

"Amend by striking out the words, 'Governor-elect.'"

Lost.

The resolution was then adopted.

SPECIAL ORDER.

The Chair laid before the Senate, on its second reading, special order for this hour,

enate bill No. 2, A bill to be entitled "An Act to define the permanent school fund of the State of Texas; to partition the public lands between said fund and the State, and to adjust the account between said fund and said State; to set apart and appropriate to said school fund, in part payment of said account, the residue of the public domain of said State, to which the said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876. 1. All unsurveyed land within said State except islands, bays and lakes on the coast of the Gulf of Mexico, within tide water limits. 2. To appropriate the sum of twenty-nine thousand three hundred and forty and twenty-seven one hundredths dollars to the permanent school fund from the general revenue, not otherwise appropriated, in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876," action being on the adoption of committee substitute.

Pending action, Senator Linn moved that the bill be postponed until Friday after the morning call.

Lost.

The committee substitute (see Journal of January 29) was then adopted.

The committee substitute bill was read a second time.

By Senator Sebastian:

"Amend by adding after the word 'lessee' in line 7, page 9 of the printed bill, the following: 'Or his assignee holding in good faith such lands for settlement.'"

Adopted.

By Senator Potter:

"Amend by adding to end of Section 3 the following: 'Such preference right to purchase or lease to continue for six months after this act shall go into effect, and in case of any conflict between an application to purchase and one to lease the same land, preference shall be given the application to purchase.'"

Adopted.

By Senator Davidson:

"Amend Section 3, line 11 of the bill, 'And in all cases where the land appropriated by the foregoing provisions of this act to the public school fund shall consist of tracts of less than 640 acres isolated and detached from other public lands and not heretofore surveyed and classified as school land and being vacant land lying between older surveys, and

such vacancy not disclosed by the lithograph maps of the county in which such land is situated, and lying within an inclosure, then the owners of said inclosure shall be notified by the Commissioner of the General Land office, whenever said vacancy shall be ascertained, and that the same is offered for sale, and the price thereon, and for the period of six months after such notice said owner shall have the prior right to purchase on the terms fixed by said Commissioner.'"

Adopted by the following vote:

Yeas—17.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
James.	Sebastian.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	Yett.
McGee.	

Nays—6.

Greer.	Linn.
Grinnan.	Miller.
Hanger.	Yantis.

Absent.

Goss.	Ross.
Gough.	Stafford.
Johnson.	Stone.
Patterson.	Terrell.

By Senator Kerr:

"Amend line 13, page 9, Section 4, by adding after the word pre-emptors the words, 'And their assigns.'"

By Senator Sebastian:

"Amend the amendment by adding thereto the words: 'Holding in good faith such lands for settlement.'"

Adopted.

The amendment (Kerr's) as amended was then adopted.

By Senator Linn:

"Amend page 8, lines 14 and 15 of the bill by striking out the words, 'Four million, four hundred and forty-four thousand, one hundred and ninety-five acres or all,' and inserting in lieu thereof the words, 'Two million, two hundred and sixty-four thousand, eight hundred and seventy-three and twenty-seven one-hundredths acres of the.'"

Lost.

By Senator Grinnan:

"Amend by adding after line 11, on page 9, the following: 'The lessee purchasing under this act must be an actual settler of the land he desires to purchase, and can only purchase five sections of the kind and quality now provided by law.'"

Adopted by the following vote:

Yeas—19.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Greer.	Neal.
Grinnan.	Odell.
Hanger.	Sebastian.
James.	Wayland.
Kerr.	Yett.
Lewis.	

Nays—5.

Goss.	Turney.
McGee.	Yantis.
Potter.	

Absent.

Gough.	Stafford.
Johnson.	Stone.
Patterson.	Terrell.
Ross.	

By Senator Sebastian:

"Add at the end of Section 4, page 9 of the printed bill, the following: 'And provided further, that it is not intended by this act to place upon the market for sale or lease, in any manner whatever, any lands in this State except as now provided by law.'"

Lost.

By Senator Odell:

"Amend Section 3, line 5, by adding after the word 'purchase,' the following: 'Or application to purchase.'"

Adopted.

By Senator Odell:

"Amend Section 3, line 9, by adding after the word 'thereon,' the following: 'Or filed application to purchase.'"

By Senator Linn:

Substitute for amendment:

"Amend page 9, line 9, after the word 'act,' by adding the following: 'Or any person who has made application to purchase or for a homestead donation thereon, and who has been prevented from having the same surveyed and field notes returned therefor.'"

Substitute lost by the following vote:

Yeas—7.

Dibrell.	Miller.
Grinnan.	Sebastian.
Hanger.	Wayland.
Linn.	

Nays—15.

Atlee.	McGee.
Burns.	Morriss.
Davidson.	Odell.
Goss.	Potter.
Greer.	Turney.
James.	Yantis.
Kerr.	Yett.
Lloyd.	

Absent.

Gough.	Ross.
Johnson.	Stafford.
Lewis.	Stone.
Neal.	Terrell.
Patterson.	

The amendment (Odell's) was then adopted.

By Senator Miller:

"Strike out Section 2, page 8, and change the numbers of the subsequent sections of the bill to conform herewith."

Pending action on the amendment, on motion of Senator Atlee further consideration of the bill was postponed until after morning call tomorrow.

RESOLUTION.

By Senator Atlee:

Resolved, That the Commissioner of the Land Office be and he is hereby requested to furnish, for the information of the Senate, facts showing:

(1) What monies have been received under the provisions of Chapter 173, of the Acts of the Regular Session of the Twenty-sixth Legislature;

(2) What number of acres of land belonging to the public lands of the State is represented in the monies so received, and the price per acre.

The resolution was read a second time and adopted.

RESOLUTION CALLED UP.

On motion of Senator Greer, the pending business was suspended for the purpose of taking up the resolution regarding deep water navigation at Sabine Pass (see Journal of yesterday.)

The resolution was read a second time, and adopted.

On motion of Senator Morriss, the Senate adjourned until 10 o'clock tomorrow morning.

SEVENTH DAY.

Senate Chamber,

Austin, Tex., Thursday, Feb. 1, 1900.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Goss.
Burns.	Greer.
Davidson.	Grinnan.
Dibrell.	Hanger.